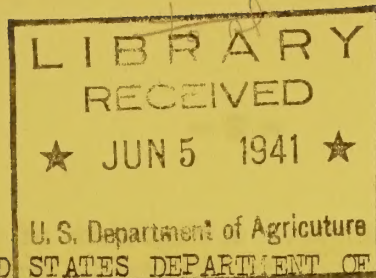


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UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL ADJUSTMENT ADMINISTRATION

SOUTHERN DIVISION

COUNTY OFFICE PROCEDURE FOR THE HANDLING OF UNDELIVERED AND LOST CHECKS,  
CLAIMS, ADJUSTMENT APPLICATIONS, AND REGISTER OF INDEBTEDNESS

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SECTION I - GENERAL

- A. Applicability. The procedure outlined herein regarding the handling of undelivered and lost checks, claims, adjustment applications, and the register of indebtedness supersedes all previous instructions and is for use in connection with all Agricultural Programs administered through State and county offices.



- B. Register of Indebtedness. A register of indebtedness shall be maintained by the county office in accordance with instructions issued by the State office, and in cases where the county office determines that a producer is indebted, the State office shall be notified immediately. In cases of doubt as to identification of any applicant having the same or a similar name as that of a person shown on the register of indebtedness it shall be the responsibility of the county office to definitely determine whether the applicant is one and the same person as the debtor. If a person who is indebted to the AAA dies the county office shall notify the State office, furnishing the name of the person(s) in charge of the assets of the estate or the successors-in-interest to the assets of the estate (see Section XII, hereof).
- C. Signatures and Authorizations. All signatures and authorizations executed in connection with this procedure must be executed in accordance with ACP-16.

SECTION II - RETURNING UNDELIVERED CHECKS TO THE REGIONAL DISBURSING OFFICE

A. Reasons for Returning Checks.

1. If for one or more of the reasons enumerated below a check which has been issued in connection with any application for payment (hereinafter referred to as application) cannot be delivered, the check should be returned to the Regional Disbursing Office (hereinafter referred to as DO) from which issued.
  - (a) The check remains undelivered (for any reason) for a period of 21 days after the date of the check.
  - (b) The payee refuses to accept the check.
  - (c) The amount of the check is not in agreement with the amount of payment as shown on the voucher continuation sheet.
  - (d) The amount of the check is in excess of that due the payee.
  - (e) The name of the payee is written incorrectly or erroneously placed on the check.
  - (f) The payee is deceased or has been adjudged incompetent.



- (g) Another check, representing the same payment, has been previously received. (In such cases the letter of transmittal shall, in addition to the information specified in subsection B below, set forth the number of the check originally received representing this payment and the administrative number of the voucher continuation sheet on which the original check was listed.)

B. Transmittal to DO.

1. Each check which is returned to the DO must be accompanied by a separate letter setting forth: (Checks issued under programs where there is a deduction for county association expenses must be accompanied by an applicable "Notice of County Agricultural Conservation Association Expense Deduction.")
  - (a) The DO symbol number (or program and year),
  - (b) The check number,
  - (c) The name of the payee,
  - (d) The amount of the check,
  - (e) The date of issuance of the check,
  - (f) The application serial number,
  - (g) The administrative number of the voucher continuation sheet on which the check is listed, and
  - (h) The reason(s) for returning the check.
2. The treasurer of the county association should forward to the State office a copy of the letter which accompanies the check to the DO.

SECTION III - REQUESTING DELIVERY OF CHECKS RETURNED TO DO

A. Returned Checks that may be Delivered.

1. A payee may request the delivery of a check returned to DO for one of the following reasons:
  - (a) Delivery of the check could not be effected within 21 days after the date of the check.
  - (b) The payee refused to accept the check.

B. Request for Delivery of Check to Payee.

1. If a payee desires to request delivery of a check returned to DO he should submit a written request therefor over his signature to the State office, through the county office of the county in which the application originated, setting forth -
  - (a) The program under which the check was issued,
  - (b) The application serial number,
  - (c) The amount of the check,
  - (d) A representation that he is entitled to the payment, and
  - (e) His present address.
2. The association secretary, county administrative assistant, or a member of the county committee should certify that the person presenting the claim is entitled to the payment and that his address is correctly stated.

SECTION IV - CHECKS ERRONEOUSLY DELIVERED

A. Applicability. The procedure outlined in this section is to be followed in cases where checks have been delivered and it is determined that:

1. The check is in excess of the amount due, or
2. The name of the payee is written incorrectly or erroneously placed on the check, or,
3. Another check representing the same payment has been previously received and delivered.

B. Error Discovered Prior to Negotiation of Check.

1. If a check has been delivered but has not been negotiated a written request for the return of the check to the association treasurer should be sent to the payee and a copy of such request forwarded to the State office. In such cases the name of the producer shall be placed on the county office register of indebtedness pending return of the check or refund of the amount of overpayment.
2. If the person in possession of the check fails or refuses to return the check, such person, if entitled to none of the proceeds of the check, should be requested to refund the amount of the check. In cases where the payee is entitled



to a part of the proceeds of the check, the amount of the overpayment will be determined by the State office on the basis of an adjustment application, and the State office will request the payee to refund the amount of the overpayment. A copy of the request will be forwarded to the county office.

C. Error Discovered Subsequent to Negotiation of Check.

1. If a check has been delivered and negotiated the person to whom the check was delivered, if entitled to none of the proceeds of the check, shall be requested to refund the amount of the check. In these cases the name of the producer shall be placed on the county office register pending receipt of the amount of the overpayment.
2. In cases where the payee is entitled to a part of the proceeds of the check, the amount of the overpayment will be determined by the State office on the basis of an adjustment application, and the State office will request the payee to refund the amount of the overpayment. A copy of the request will be forwarded to the county office.
3. Refund should be in the form of a post office money order, certified check, bank draft, or cashier's check, made payable to the Treasurer of the United States. When refund is made in the form of a post office money order, the address to be shown thereon will be that of the DO unless the refund is made in connection with a rental-benefit contract. In such cases the address to be entered on the money order will be "Washington, D. C.". In all cases the refund should be forwarded to the State office accompanied by a statement by the association treasurer, in duplicate, setting forth:
  - (a) The name of the person making the refund,
  - (b) The serial number of the application (or contract number) with respect to which the refund is made,
  - (c) The administrative number of the continuation sheet on which the original payment was vouchered (except for rental-benefit contracts), and
  - (d) A designation of the program whereunder the payment was made.



D. Collections.

1. The association treasurer, association secretary, and county committee may adopt any reasonable course of action to collect the amount of the check from the person to whom the check was erroneously delivered. Any amount collected shall be forwarded to the State office in accordance with instructions set forth in paragraph 2, subsection C hereof.

SECTION V - NON-RECEIPT, LOSS, THEFT, OR DESTRUCTION OF U. S. TREASURY CHECKS

A. Method of Handling.

1. Any case involving the non-receipt, loss, theft, or destruction of a U. S. Treasury check shall be handled in accordance with the instructions set forth in Special Letter No. 103 issued by Mr. G. F. Allen, Chief Disbursing Officer, Treasury Dept., under date of April 8, 1941.
2. A copy of the notice forwarded to the DO should be forwarded to the State office accompanied by a report signed by the association treasurer giving all available facts pertaining to the forgery, loss, theft, or destruction of the check.
3. Where the name of a wrongful negotiator of a check is known the name of such person shall be placed on the county office register of indebtedness and notice thereof sent to the State office. In such cases no effort should be made to collect the amount of the check since this matter is within the exclusive jurisdiction of the Treasury Dept.
  - (a) If refund is made by the wrongful negotiator, the amount of refund shall be forwarded directly to the DO accompanied by a letter fully identifying the remittance.

SECTION VI - AMOUNT OF CHECK LESS THAN AMOUNT DUE

A. Delivery of Check.

1. A check issued for an amount less than that due may be received and negotiated by the payee (applicant) where the error was caused by
  - (a) An incorrect application, or
  - (b) The computing or scheduling of the payment by the State office.
2. The payee should be advised that the act of receiving and negotiating the check under the circumstances recited in paragraph 1 above will not affect his right to file a claim



for the balance due, and that a written request for the balance due should be filed with the county office immediately.

3. Whenever the amount of the payment as shown on the related continuation sheet and the check do not agree, the check must be returned to the DO in accordance with the instructions contained in section II hereof regardless of the fact that the amount of the check may be less than that due.

B. Due to Incorrect Application.

1. If the payee desires to file claim for the balance due in cases where the amount of the check is less than that due, caused by an incorrect application, an adjustment application should be prepared immediately in accordance with instructions set forth in section IX hereof.

C. Due to Error in State Office.

1. If the payee desires to file claim for the balance due in cases where the amount of the check is less than that due by reason of an error in scheduling or computing the payment by the State office, a request therefor must be made immediately in the form of a statement over the signature and address of the applicant and filed in the county office. The serial number of the application under which the claim is made and the administrative number of the voucher continuation sheet on which the original application was scheduled should be included in the request.

SECTION VII - AMOUNT OF CHECK IN EXCESS OF AMOUNT DUE

A. Due to Incorrect Application.

1. An adjustment application and supporting forms should be prepared immediately in accordance with instructions set forth in section IX hereof.

B. Due to Error in State Office.

1. An explanation from the association secretary, administrative assistant, or a member of the county committee in the form of a concise statement, in duplicate, of the nature of the error as determined from the information available should be forwarded to the State office immediately.

SECTION VIII - NAME OF PAYEE WRITTEN INCORRECTLY OR ERRONEOUSLY PLACED ON CHECK

A. Due to Incorrect Application.



1. An adjustment application should be prepared immediately in accordance with instructions set forth in section IX hereof.

B. Due to Error in State Office.

1. There should be forwarded to the State office immediately a statement in duplicate, signed by the payee and the association secretary, or a member of the county committee, setting forth the correct name of the payee and requesting the cancelation of the incorrect check and the issuance of a corrected check.

SECTION IX - ADJUSTMENT APPLICATIONS

A. Cases Where Adjustment Applications will be Prepared. 1/

1. An adjustment application shall be prepared and submitted to the State office where any one or more of the following conditions resulted from erroneous preparation of the original application.
  - (a) An applicant was overpaid (or would be if the check were delivered).
  - (b) An applicant was underpaid and desires to file claim for the remaining payment due.
  - (c) The name of the applicant on the check is written incorrectly or erroneously placed on the check due to an incorrect application.

B. Preparation of Adjustment Applications and Supporting Data.

1. The adjustment application and supporting forms, if any, shall be exact duplicates of the original application and supporting forms with the following exceptions:
  - (a) Erroneous data shall be replaced by correct data, and,
  - (b) The serial number of the adjustment application shall be the serial number of the original application followed by the notation "Adj."
2. The adjustment application, if timely filed (that is if the adjustment application or a signed statement is filed with

1/ The provisions of this paragraph A are not applicable to 1933, 1934, and 1935 Commodity Contracts or 1936 Wheat Contracts.



the county committee prior to the closing date for filing applications for payment under the provisions of the applicable program) shall be signed by each person entitled to receive payment under the adjustment application and who desires, and is available, to make application for the additional payment.

3. Each person who was overpaid under the original application should be requested to sign the adjustment application (or a separate statement setting forth the facts in the case, where the person is not entitled to sign the adjustment application as an applicant). If any such person's signature cannot be obtained on the adjustment application (or statement) a statement setting forth the efforts made to secure such person's signature and signed by a member of the county committee shall be attached to the adjustment application.
4. Each person who applied for payment under the adjustment application shall submit with the adjustment application a detailed statement, in duplicate, setting forth his opinion of the manner in which the error(s) occurred which resulted in his failure to receive full payment under the original application. Where possible one statement signed by all such persons should be used.
5. The county committee shall submit a detailed explanation of the manner in which the error(s) occurred and the means by which the correct data, as shown on the adjustment application, was determined.
6. The adjustment application shall be approved in the manner prescribed for approval of the original application.
7. If under the adjustment application it is determined that one or more persons to whom payment was made under the original application received payment in excess of that due, the county committee shall submit a report of its findings with respect to whether such person(s) knowingly misrepresented any fact in connection with the original application which would result in payment to such person(s) in excess of that to which he was entitled.

SECTION X-- SUBMISSION OF CLAIMS ON FORM ACP-103, "APPLICATION FOR PAYMENT OF AMOUNTS DUE PRODUCERS WHO HAVE DIED, DISAPPEARED, OR HAVE BEEN DECLARED INCOMPETENT"

A. Types of Claims to be Handled on Form ACP-103.



1. All claims in connection with 1939 Price Adjustment Payment Program.
2. All claims in connection with 1940 and subsequent Parity Payment Programs where producer died, disappeared, or was declared incompetent after August 16, 1940.
3. All claims in connection with any Agricultural Conservation Program where the producer died, disappeared, or was declared incompetent after August 16, 1940.

B. Persons who may File a Claim.

1. Any person who is entitled under the regulations set forth in ACP-122, "Regulations Pertaining to Payments of Amounts Due Persons Under the Soil Conservation and Domestic Allotment Act, as Amended, and Statutes Authorizing Parity Payments. Who Have Died, Disappeared, or Have Been Declared Incompetent", to all or a share of the proceeds of a check drawn payable to the order of a payee who is deceased or incompetent or who has disappeared, shall be allowed to file a claim except that where the payee is incompetent or has disappeared, claim by a person in the highest class of preference under the regulations shall preclude claims by any other person of the same class of preference. This exception is not applicable to cases where the payee is deceased.

C. Method of filing a claim.

1. Form ACP-103 shall be executed in triplicate.
2. The State and county code numbers shall be entered in the upper right corner of Forms ACP-103 in the space provided. Immediately below the State and county code numbers enter the name of the county.
3. The instructions printed on the reverse side of the form should be carefully read by the claimant(s) and by the county committee.
4. All entries on Form ACP-103 other than signatures should typed or printed in indelible pencil.
5. Claim may be made by the trustee of all or some of the persons entitled to share in the proceeds of the payment. Form AAA-378 may be used in this connection provided the form is amended by inserting after the word "deceased" in the second line of the first paragraph the following words: "who are entitled to share in the payment(s) in respect of which this document is executed."



6. Claims for the proceeds of checks with respect to more than one farm or one program drawn payable to the order of a payee who is deceased or incompetent, or who has disappeared, may be filed on a single Form ACP-103 if the checks for which claim is filed were issued under applications covering a farm or farms located in the same county.

7. Payments will be made without regard to claims of creditors.

8. Paragraph 1.

(a) Enter the name of the payee and word(s) "died," "disappeared," or "was declared incompetent," whichever is applicable, followed by the date of death, or declaration of incompetency, or the approximate date of disappearance.

(b) If the claim is based on the laws of the State of domicile of a deceased or incompetent payee, and not on the regulations, 1/ there shall be entered on the form at the end of paragraph 1 the name of the State in which the deceased or incompetent payee was domiciled at the time of his death or adjudication of incompetence.

(c) Enter in the applicable spaces:

(1) the form number(s) of the application form(s) and the serial number(s) of the application(s) under which the check(s) for which claim is being made was issued.

(2) the check number(s) which appear in the upper right corner of the check(s) or in the last column of the related continuation sheet(s).

(3) the disbursing office symbol number, which appears in the lower right corner of the check(s).

(4) the amount of each check listed.

9. Paragraph 2.

(a) Enter in the applicable spaces:

(1) the name(s) of all of the person(s) entitled under the regulations to share in the payment(s),

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1/ If there are no relatives of a deceased or incompetent payee coming within the classifications provided in the regulations, the rights of the payee's next of kin in respect of the payment are governed by the laws of the State of domicile of the decedent.



regardless of whether all of such person(s) are applying for payment(s).

- (2) the mailing address(es) of such person(s) entitled to share in the payment(s).
- (3) the relationship of such person(s) to the payee. If claim is made by an administrator, executor, guardian, committee, conservator, etc., the legal capacity of the claimant shall be entered as the relationship to the payee.

10. Paragraph 3.

- (a) If any person(s) entitled under the regulations to share in the proceeds of the payment(s) is a minor or is incompetent, enter the name(s) of such person(s) and the nature of the disability; and the name, mailing address, and capacity of the legal or natural guardian(s), committee(s), or conservator(s) of such person(s), in the applicable spaces.

11. Paragraph 4.

- (a) The signature(s) of the claimant(s) shall be entered in the space(s) provided and shall be in ink or indelible pencil. A witness is required only when the claimant(s) signs by mark or in other than English script. Witnesses must sign in English script. Any claimant acting in a representative or fiduciary capacity shall indicate that capacity after his signature. The signature(s) of the claimant(s) must appear on the original and the carbon impressions on both copies must be legible. Where claim is made by the widow of the decedent acting under authority of a trust agreement or court order, the widow's name and signature on the Form ACP-103 must agree with the name set forth in such document. If there is no trust agreement or court order the Form ACP-103 shall show the full Christian name, additional initials, if any, and surname of the widow instead of the husband's initials or first name, and the signature must be executed in the same manner. For example:

Incorrect: Mrs. J. N. Doe

Correct: Mary A. Doe or Mrs. Mary A. Doe

D. Certificate of County Committee

1. If the county committee determines that the claimant(s) has the necessary authority to act in the capacity in



which he has claimed, it shall authorize one of its members to affix his signature in the space provided in Part II, "Certificate of County Committee". The committeeman who signs the certificate shall also enter the date of his signature.

2. If claim is made by a person acting in a representative or fiduciary capacity, and if the county committee does not have knowledge of the claimant's authority to act in that capacity, the claimant shall be required to present evidence thereof to the committee in accordance with the provisions of ACP-16. No written evidence need be attached to the Form ACP-103 when it is forwarded to the State office, other than the additional certifications required under subsection E of this Section X.
3. If the claim is based on disappearance of the payee, there must be submitted to the county committee the affidavits of the claimant and of a disinterested person who was well acquainted with the payee who has disappeared, setting forth:
  - (a) that the payee has been missing for a period of more than three months,
  - (b) that a diligent search has failed to reveal his whereabouts, and
  - (c) that the payee has not communicated during such period with persons who would be expected to have heard from him.

E. Additional certifications.

1. Where claim is filed by an emancipated minor, i.e., a minor who by legal process has caused his disability to be removed, such emancipated minor must submit a statement similar to the following: "I, John Doe, hereby certify that my disability as a minor was removed by legal process on September 15, 1940."

F. Disposition of Forms ACP-103 and Related Papers.

1. The original and first copy of Forms ACP-103 shall be securely attached to any additional certifications required under subsection E of this Section X and the file transmitted to the State office. The remaining copy shall be retained in the files of the county office. A copy of the letter with which the original check was returned to the Disbursing Office shall be attached to the Form ACP-103 if such copy has not previously been forwarded to the State office.



G. Notice of Disallowance.

1. If any claim is disallowed, the claimant(s) will be advised by the State office of such disallowance and of the reason(s) therefor. A copy of the notice of disallowance will be forwarded to the county office.

SECTION XI - SUBMISSION OF CLAIMS ON STANDARD FORM NO. 1055, "APPLICATION FOR PAYMENT OF AMOUNTS DUE DECEASED OR INCOMPETENT CIVILIAN EMPLOYEES, OFFICERS AND ENLISTED MEN IN THE MILITARY SERVICE, AND PUBLIC CREDITORS OF THE UNITED STATES"

A. Types of Claims to be Handled on Standard Form No. 1055.

1. Claims submitted under any Agricultural Conservation Program where the producer died, or was declared incompetent, on or before August 16, 1940.
2. Claims under the 1940 Parity Payment Program where the producer died or was declared incompetent on or before August 16, 1940.
3. Claims for proceeds of checks drawn payable to any assignee who has died or been declared incompetent.
4. All claims submitted under the Sugar Programs.

B. Persons Who May File A Claim.

1. Any person, whether such person be an heir, the next of kin, creditor, or otherwise, of the decedent, shall be allowed to file a claim for the proceeds of checks drawn payable to deceased or incompetent payees.

C. Method of Filing a Claim.

1. Standard Form No. 1055 is to be executed in duplicate.
2. Any papers or documents which support the claim shall be attached to the original and duplicate copy of form 1055 when forwarded to the State office.

D. Claim by an Executor or Administrator of the Estate of the Decedent.

1. Paragraphs 1, 2, 4, and 5 of form 1055 must be properly completed to disclose the information indicated.
2. Any additional facts upon which the claim is based may be set out in paragraph 6(j) of form 1055. Subparagraphs (a) to (i) inclusive, of paragraph 6, form 1055, need not be executed.



3. If the date of the death (or adjudication or declaration of incompetence) and the domicile of the decedent or incompetent are shown in the court order, the certificate of notary public is not required.
4. Form 1055 must be supported by a certified copy of the court order appointing the executor or administrator filing claim or by a short form certificate of appointment. If such certificate or certified copy of the court order making the appointment shows the appointment to have been made more than one year prior to the date upon which the case will be submitted to the General Accounting Preadit Office, a certification, by the court making the appointment, to the effect that such appointment is still in full force and effect, is to be required of the claimant.
5. Where the decedent died without leaving a will and claim is made by a public administrator, there must be a showing either that:
  - (a) There are persons entitled to share in the estate under the laws of the domicile of the decedent, or
  - (b) There are creditors of the estate, or
  - (c) There are assets of the estate other than the amount due from the United States.

E. Claims by the Surviving Spouse, the Heirs at Law, or the Next of Kin, without the Appointment of an Executor or an Administrator. 1/

1. Form 1055 must be completely executed (in duplicate) except for paragraph 5 thereof, and it must appear that the decedent died intestate, and that the amount due from the United States does not exceed the maximum amount for estates upon which administration need not be had.
  - (a) Where claim is made by the widow of the decedent, acting under authority of a trust agreement or court order, the widow's name and signature on form 1055 must agree with the name set forth in such document. If there is no trust agreement or court order, the form 1055 shall show the full Christian name, additional initials, if any, and surname of the widow instead of the husband's

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1/ In the absence of a State statute establishing higher limit, administration will be required where total payments due the estate of the decedent from the Government exceed \$500.00. Where a higher limit is established by the law of the domicile of the decedent, the provisions of such statute shall govern as to the amount payable without administration.



initials or first name, and the signature must be executed in the same manner.

For example:

Incorrect

Correct

Mrs. J. N. Doe

Mary A. Doe, or  
Mrs. Mary A. Doe

- (b) Where funeral expenses were incurred it will be necessary for an itemized bill of the complete funeral expenses to be attached. The amount of expense of each individual item is not necessary, provided there is an indication or statement that the items listed constitute the complete funeral expenses. If the funeral expenses have been paid, the bill must be marked "Paid". If the funeral expenses have not been paid, it will be necessary for a properly executed ACP-73, "Waiver of Right to Claim Agricultural Conservation Payments" to be attached or the funeral expenses will be paid before any other claims.
- (c) If no funeral expenses were actually incurred, a statement to that effect must be entered on form 1055. Also, a statement explaining why no funeral expenses were incurred and signed by two members of the county committee must be attached to the form 1055.
- (d) If the amount of the check claimed is in excess of \$100.00 1/ the claim must be accompanied by a list of all debts owed by the estate of the decedent. The amount accruing to the estate of the decedent will not be paid to the claimant(s) unless and until there are submitted properly executed waivers on Forms ACP-73, signed by each creditor of the estate of the decedent.
- (e) If the amount of the check claimed is in excess of \$100.00 1/ only the amount to which the claimant is entitled under the law will be paid unless there is submitted a duly executed power of attorney whereby the claimant is authorized to file claim on behalf of another, or a properly executed trust agreement, whereby the claimant is designated as a trustee to file claim for and receive payment on behalf of the persons executing such trust agreement. However, amounts due the minor heirs of the decedent may be paid to the widow or widower of the decedent or to

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1/ Except for widow's exemption of \$300.00 in Arkansas based upon payment of \$25.00 to officiating undertaker, and further except for the \$1000.00 exemption in Alabama.



the guardian or custodian of such minor heirs provided a claim is filed on behalf of such minor heirs.

2. In every case the age of the claimant must be shown on form 1055. (It is to be noted that no provision is made on form 1055 for such information. The age of the claimant should appear immediately following his name in paragraph 1 of the form).
3. A Waiver of Right to Claim (Form ACP-73), submitted by a person who would otherwise be entitled to share in the payment, will not be recognized unless he is shown to have attained legal age, or the waiver is executed by a creditor of the estate of the decedent.
4. If the amount of the check claimed is in excess of \$100.00 <sup>1/</sup> or if the amount of the check claimed is \$100.00 or less and claim is made by a person other than the surviving spouse, the ages of the heirs whose names appear in paragraph 6(f) of form 1055, must appear immediately after their names in such paragraph. In such cases the portion of the payment accruing to adult heirs who have not claimed, personally or through a duly authorized representative, or who have not waived their right to claim, or who have not executed a trust agreement appointing a trustee to claim, and receive payment for them, will not be paid until claim is filed therefor pursuant to the provisions of this SRC-401.
5. The affidavit of two witnesses must be completely executed and the form 1055 properly notarized.

F. Claims by Creditors for the Proceeds of Checks Drawn Payable to Deceased or Incompetent Payees.

1. If form 1055 is submitted by a creditor of the estate of the decedent, there must be furnished a Waiver of Right to Claim (Form ACP-73) from other creditors having the same or greater degree of preference under the laws of the domicile of the decedent, or else a statement signed by a member of the family of the decedent, who has knowledge of the family affairs, to the effect that there are no other creditors of an equal or greater degree of preference.
2. It is not necessary that inquiry be made by the association secretary or members of the county committee relative to the number of creditors of a decedent or of the degree of preference accorded the creditors by statute.

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<sup>1/</sup> Except for widow's exemption of \$300.00 in Arkansas based upon payment of \$25.00 to officiating undertaker, and further except for the \$1000.00 exemption in Alabama.



3. Any person, whether such person be an heir, the next of kin, or in no way related to the decedent, who has paid a preferred creditor out of funds not belonging to the estate of the decedent is by such payment subrogated to the statutory preference, if any, accorded to the creditor. This provision is particularly important if such person has paid the funeral expenses of the decedent, his claim should be based upon such payment regardless of his relationship to the decedent. If, after allowance of the preferred claim, there remains an amount due the estate, this amount should be claimed in accordance with the provisions contained in paragraphs D and E of this section XI.

G. Claims by Minors or the Guardians or Custodians of Minors.

1. If claim is filed by a minor or his guardian or custodian, there must be a showing of one of the following:
  - (a) Letters of Guardianship, certified copies thereof, or a Short Certificate of Letters of Guardianship, or
  - (b) An affidavit, by any person having knowledge of the facts, that the minor is competent to receive and handle funds, or
  - (c) That the minor is in the care and custody of the person making claim on form 1055 on behalf of the minor. There must appear in subparagraph 6(j) of form 1055, or in supporting affidavits a statement of the relationship between the custodian and the minor and the circumstances of the custodianship and that the payment will be used for the benefit of the minor.

H. Notice of Disallowance.

1. If for any reason(s) the claim is not allowed, the claimant(s) will be advised of the disallowance, and the reason(s) therefor, by the State office. A copy of the notice of disallowance will be furnished the county office.

SECTION XII - CLAIM AGAINST THE ESTATE OF A DECEASED PERSON FOR AN INDEBTEDNESS DUE THE AAA

A. Where the County office has Knowledge that a Person Indebted to the AAA (as shown on the county office register of indebtedness) is Deceased, the County office Should

1. Advise the State office that the indebted person is deceased, setting forth,
  - (a) The date of death.



- (b) The name and address of the administrator or executor of the estate of the deceased, or if no administrator or executor has been appointed whether one is likely to be appointed.
- (c) If no administrator or executor has been appointed and it is not likely that one will be appointed:
  - (1) whether the decedent left an estate, and if so,
  - (2) the name and address of the person(s) entitled to the assets of the decedent's estate.

\* \* \* \* \*

101 The first of these is the fact that the  
number of the series is 100. This is  
the number of the series in the  
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102 The second of these is the fact that the  
number of the series is 100. This is  
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103 The third of these is the fact that the  
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104 The fourth of these is the fact that the  
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